

### 3RD AMENDMENT.

**B. S. SMITH,** Sworn for the State. I was serving Hugh M. Dorsey, Solicitor General, in the capacity of stenographer, and as such took down the questions propounded by Hugh M. Dorsey to Mrs. Maud Bailey, hereto attached and marked Exhibit "A". This stenographic report is a full, true and correct report of the questions asked and the answers given by the said Mrs. Maud Bailey. This papers was taken on May 14, 1913, in the office of the Solicitor General in the Thrower Building in the presence of Mr. Plennie Minor, Mr. Bass Rosser, Mr. Dorsey the Solicitor and the paper was written by me and signed in my presence by Mrs. Maud Bailey.

(The following is exhibit "A" referred to above.)

"Statement of Mrs. Maude Bailey, 253 Humphries St., Atlanta, in reference to the murder of Mary Phagan, Atlanta, April 26, 1913, in the presence of Mr. Dorsey, Mr. Minor, detective Rosser and B. S. Smith.

Atlanta, Ga., May 14, 1913.

Questioned by Mr. Dorsey.

Q. What business is your husband in? A. Meat cutter, on Gordon St. and Nesbitt.

Q. Where did you say you lived? A. I live at 253 Humphries St.

Q. Where did you live at that time? Q. I lived in a whole lot of places, Acworth St., Greensferry Ave., etc.

Q. You used to work at the National Pencil Co? A. Yes sir, one year ago.

Q. Did you know Mr. Frank? A. Yes sir.

Q. What kind of man is Mr. Frank; what is his reputation.

A. He has always treated me mighty nice.

Q. What is his reputation, what did other people say at the time.

A. Some say mighty nice things, some say not.

Q. Those that say he is not nice, in what way did they say he is not nice. A. They seemed to say he is too fast around the girls.

Q. That is his reputation, being a bad man after the women? A. Yes sir.

Q. What did you ever hear any of them say about his undue familiarity with the girls, or what was your experience yourself? A. I heard a right smart of them say he got too fresh around the girls.

Q. How many? A. A whole lot of them.

Q. Would not you name a few? A. I could not.

Q. I just want a few names. A. Well, my mother.

Q. What is her name? A. Mrs. Mae Barrett.

Q. What did you hear your mother say? A. Mama sais Mr. Frank was not running the place right; that he was too fast around the girls. I think so myself.

Q. What did you ever see him do? A. I never paid any attention to him.

Q. What are some of the things you saw him do? A. I never saw him do anything, but he said he did not want old ladies to work there, he wanted young girls.

Q. Were you present when a woman gave birth to a child? A. I was up there when a girl miscarried.

Q. Who was that? A. Viola Franklin, and there was another one miscarried there, but I don't remember her name.

Q. What did Mr. Frank say when that girl miscarried that you know about? A. He never done anything; let her stay in the dressing room until she was able; she stayed there about two or three hours. They never said anything about it; she worked there about three months after that.

Q. Did he get excited or get a Doctor? A. Certainly.

Q. Was there any talk at that time as to who was the father of the c[h]ild? A. I don't think there anyone at the factory was.

Q. Well, the other one, did Mr. Frank pay any attention to that? A. It seems he did.

Q. Who was she? A. I don't remember.

Q. Opie Dickson or Mattie Smith? A. One of them.

Q. Are you sure it was one or the other of them? A. Yes.

Q. What did he do this time, did he seem very anxious? A. Just got a doctor to her there; came up several times to girls there.

Q. What Doctor? A. I don't know what doctor; the ambulance came once to one of the girls, Maybelle Reed; She was laid out on the table; I thought she was dead.

Q. Was that in connection with child birth? A. I don't know never knew.

Q. What did you ever see Frank do that looked like he was unduly familiar? A. I never paid attention to Frank, never had time.

Q. You heard it talked around that he was trying to do things with the girls that was the general talk and general reputation? A. I certainly have.

Questioned by Mr. Rosser.

Q. He wanted young girls, not old girls?

A. He wouldn't hire old girls; looks like to me old ones could do the work just as well as the young ones.

Questioned by Mr. Dorsey:

Q. He preferred ones with short skirts? A. Yes.

Q. He said he did not want any old women? A. Why certainly.

Q. His reputation was so bad it was common talk by everybody that worked there? A. Some of them that worked there didn't say anything, but that was because they were his pets. He had some pets around there.

Q. You were there Saturday, April 26<sup>th</sup>? A. Yes, quarter to twelve.

Q. Who all did you see? A. Mr. Frank.

Q. What was he doing at that time? A. He was going to the shipping room, and he spoke to me.

Q. Who else did you see? A. Arthur White.

Q. What was he doing? A. Standing there talking to his wife.

Q. Who else? A. Emma Clarke.

Q. Who else? A. Stenographer in the office; I don't know her name.

Q. Did she wear glasses? A. I don't know, I never saw her face.

Q. How did she look? A. I never paid much attention to her.

Q. You got there at what time? A. Quarter to 12.

Q. How long did you stay? A. 10 minutes 12.

Q. You did not see Mary Phagan? A. I saw two girls come out of the door, but didn't know who they were.

Q. How was Frank dressed? A. Frank had on a dark/suit of clothes, was in his shirt sleeves, and had a paper in his hands and was going to the shipping room; said to Arthur: How late are you going to work this afternoon? About 3, Arthur said. You will be shut up by yourself. Then Arthur said all right. Then Frank laughed, looked kind of white in the face. That was before Mama come down.

Question by Mr. Rosser:

Q. Did he look like there was any trouble on his mind?

A. Yes sir, looked like to me like he was worried. Mama went up there to get some boxes to make some slats to go up on the back window to keep the sun out.

Q. How long did Frank stay in the shipping room? A. Just a few minutes, went back to the office.

Q. In his shirt sleeves? A. Yes.

Q. Was he writing? A. Never saw him writing.

Q. How come you to notice him this time being nervous? A. I just listened to him and Arthur talk. I looked at Frank; he looked kind of funny, dropped his eyes when he went in the shipping room. He said Howdy Miss Maud, and I said, Howdy Mr. Frank, was all he said to me.

Q. Did you ever notice him being nervous before when you were around him? A. Well I never looked at him that hard.

A. CAPT. PLENNIE MINOR:

Q. What did Arthur White say to his wife when she went down the steps? A. She was standing at the foot of the steps; had one foot on one of the steps. Arthur was standing there on the third or fourth step, anyway he said: "You can go down and stay at somebody else's house and spend the night, because I'm liable not to come home tonight, and may not come home tomorrow. "Then she said "No, I'll stay at home whether you come or not. He said: "I'm going to get on a "high-way".

Q. Arthur said that: A. Yes sir. Arthur used to get beer in the basement.

Questioned by Mr. Rosser:

Q. Did you ever know anything about the cot being in the basement?

A. Never did, until I saw it in the paper. I have never been in the basement; I have been all over the factory except the basement.

Questioned by Capt. Minor:

Q. Do the girls and boys working there know anything about this basement? A. If they did, I never knew anything. They stand by the elevator every day at noon, talking and go back in the dark.

Q. Never heard of any of them going down in the basement? A. No sir.

Questioned by Mr. Dorsey:

Q. Did you know Mary Phagan? A. I certainly did.

Q. What kind of girl was she? A. Nice girl.

Q. What kind of reputation, good or bad? A. Good reputation.

Q. Never heard anything wrong? A. Never did, never saw anything wrong. She would never stand on the stairway and talk with boys.

Q. What about the general reputation of that factory?

A. Well it had a pretty bad name I should think."